IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 15881 of 2004(S)

OA.1016/2003 OF CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH.
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PETITIONERS:
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1. **UNION OF INDIA,**
   REPRESENTED BY THE SECRETARY,
   MINISTRY OF COMMUNICATIONS, NEW DELHI.

2. **THE CHIEF POSTMASTER GENERAL,**
   KERALA CIRCLE, THIRUVANANTHAPURAM.

3. **THE SUPERINTENDENT OF POST OFFICES,**
   THIRUVALLA POSTAL DIVISION, THIRUVALLA.

4. **POSTMASTER,**
   CHENGANNUR HEAD POST OFFICE, CHENGANNUR.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.S.G.

RESPONDENTS:
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1. **P.B.DIVAKARAN,**
   GRAMIN DAK SEVAK STAMP VENDOR, CHENGANNUR
   HEAD POST OFFICE, CHENGANNUR, RESIDING AT
   PARAPPANPARAYIL, NOOTTAVANAPARA, CHENGANNUR POST,
   ALAPPUZHA.

prv.

W.P.(C). NO.15881/2004:

2. P.D.JAYARAM, S/O. P.B.DIVAKARAN,
SUBSTITUTE GRAMIN DAK SEVAK STAMP VENDER,
CHENGANNUR HEAD POST OFFICE, CHENGANNUR,
RESIDING AT PARAPPANPARAYIL, NOOTTAVANPARA,
CHENGANNUR POST, ALAPPUZHA.

3. CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH, REPRESENTED BY ITS REGISTRAR.

BY ADV. SRI.M.R.RAJENDRAN NAIR (SR.),
SRI.HARIRAJ,
SMT.REKHA VASUDEVAN,
SRI.P.A.KUMARAN,
SMT.VINEETHA B.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

W.P.(C). NO.15881/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER PASSED BY THE R.3. IN O.A. NO. 1016/2003 DT. 16/02/2004.

EXT.P.2: COPY OF THE ORIGINAL APPLICATION NO. 1016/2003 FILED BEFORE THE R.3. WITH ANNEXURES.

EXT.P.3: COPY OF THE REPLY STATEMENT FILED BY THE RESPONDENTS IN O.A. NO. 1016/2003 BEFORE THE R.3.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR,

&

T.R.RAMACHANDRAN NAIR, JJ.

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WP(C).No. 15881 of 2004-S.

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Dated this the 5th day of September, 2007.

J U D G M E N T

K.Balakrishnan Nair, J.

The petitioners are the respondents in O.A.No.1016/2003 which was disposed of by the Central Administrative Tribunal, Ernakulam Bench by Ext.P1 judgment dated 16.2.2004. The first respondent is a Gramin Dak Sevak Stamp Vendor. He became medically unfit to work. Whether the second respondent could be considered for appointment in that vacancy under the compassionate appointment scheme is the point, which arose for the decision of the Central Administrative Tribunal. The CAT held in favour of the petitioners therein who are respondents 1 and 2 herein. Now it is a common case that the said point is covered by the decision of the Division Bench of this Court in OP.No.9074 of 2002 and connected cases. Accordingly, the challenge against Ext.P1 is repelled, but the learned counsel for the petitioners prayed that some time may be granted for

implementing the direction in that judgment.

2. It is ordered that the direction in Ext.P1 shall be implemented within three months from today.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-